

REMARKS

By entry of this amendment, claims 6, 7, 10-13, 15-19 and 21 are pending in this application. Claims 6, 7, 10-13, 15-19, 21 and 22 have been amended. Support for the claim amendments may at least be found in FIGS. 1, 3, and 4, and ¶¶ [0014]-[0016], [0025] and [0026] of Applicants' published application. In view of the foregoing amendments and following remarks, the Applicants request allowance of the application.

Claim Rejections under 35 U.S.C. §103(a)

Claims 6, 7, 10-13, 15-19, 21 and 22 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zawadzki et al. (U.S. Patent No. 7,107,268) in view of Tanaka (U.S. Publication No. 2004/0054562). Applicants respectfully disagree.

Claims 6 and 7

The claimed embodiments are directed to a system and method for use by organizations, such as not-for-profit organizations that must be aware of the amount of revenue that is being generated by different components of the organization (See ¶ [0004] of Applicants' published application). Amended independent claim 6 includes features incorporated from dependent claim 7. For example, independent claim 6 now recites, in part:

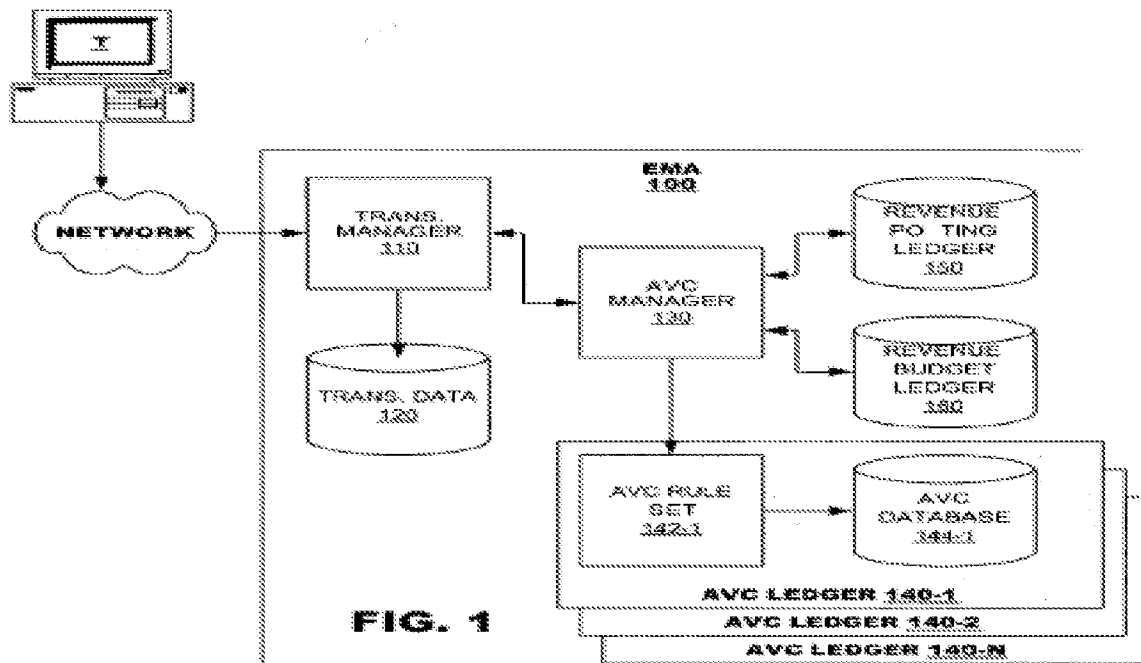
a revenue budget ledger database for storing a plurality of revenue budget items representing a budget defined for an organization utilizing an enterprise management application;

a revenue budget postings ledger database for storing revenue items generated from various transactions and already admitted to the enterprise management system;

a plurality of Availability Control (AVC) ledgers of an Availability Control system, each ledger comprising an AVC rule set related to a control object(s), and a database to store aggregated values of revenue budget items from the revenue budget ledger database and revenue items from the revenue budget postings ledger database that are operands to the control object(s) in the AVC rule set of the ledger;

As explained in prior responses, Zawadzki is directed to a project management server that assists a user in managing a project by, for example, completing specifications, and generating requests for price quotations. Zawadzki does not even mention the word "revenue" its specification.

Zawadzki and Tanaka do not disclose or suggest a system as recited in independent claim 6, and as illustrated in Applicants' FIG. 1 below.



Accordingly, Zawadzki cannot disclose databases, such as databases 150 and 160, for storing revenue postings ledgers or revenue budget ledgers as recited in claim 6. In addition, Zawadzki does not disclose AVC ledgers, such as AVC ledgers 140-1, 140-2 and 140-3, as now recited in claim 6.

The Office asserts at page 7 of the Office Action with respect to claim 7 that Zawadzki "shows an AVC ledger...comprising a database storing control objects and aggregations of revenue postings that are operands to control objects, the aggregations generated for executing the AVC rule," and makes citations to col. 62, line 64 to col. 63, line 55. However, as mentioned above, Zawadzki does not even mention the word "revenue," so Zawadzki cannot disclose the claimed AVC ledger as now recited in the claim 6. Furthermore, the text in the Office's citation to cols. 62 and 63 is merely "catch-all" text that attempts to cover a plurality of different computer implementations of the claimed method. No where does any of the text even discuss the claimed features. Zawadzki may teach the various parts of a computer system, but does not disclose or suggest the combination of features recited in independent claim 6.

The Office admits that Zawadzki does not disclose any system components configured to perform the claimed functions, and relies on Tanaka to overcome these deficiencies of Zawadzki. However, none of Tanaka's figures illustrate a system nor does the text of the specification describe a system comprising the combination of features now recited in claim 6.

Furthermore, claim 6 recites, in part, the additional features of:

a transaction manager, executing on a processor, configured to:
determine whether the revenue transaction addresses any control objects of an Availability Control (AVC) ledger;
an Availability Control manager, executing on the processor, configured to:
responsive to receipt of the revenue value posted from a new revenue transaction, accessing an AVC rule in one of the plurality of AVC ledgers containing the affected control object,
compare previously-posted revenue value retrieved from a source address in the AVC rule related to the affected control object with a value determined using the revenue value of the new posted revenue transaction;

Tanaka does not disclose the interaction of the transaction manager and the availability control manager with the databases and ledgers as now recited in claim 6. Accordingly, neither Zawadzki nor Tanaka, individually or in combination, disclose or suggest all of the features recited in independent claim 6. Accordingly, claim 6 is allowable. As for claim 7, it depends from claim 6, and is also allowable.

Claims 10-13, 15-19 and 21

Independent claim 10 recites, in part:

determining, by a processor, in response to a proposed posting of revenue to an enterprise management application, ***whether a revenue calculation of any control objects stored in one of a plurality of AVC ledgers would use the proposed posting in a revenue calculation***, wherein each ledger of the plurality of AVC ledgers comprises an AVC rule set related to at least one of a plurality of control objects, and a database for storing aggregated values of revenue budget items from a revenue budget ledger database and revenue items from a revenue budget postings ledger database that are operands to at least one of a plurality of control object in the AVC rule set of the ledger;
identifying, by a processor, ***the control object*** as a control object using the proposed posting in a revenue calculation;
executing, by a processor, AVC rules from the AVC ledger for each identified control object, the AVC rules testing whether the proposed posting of revenue would exceed revenue limits for the identified control object in the AVC rule set of the AVC ledger,

Zawadzki does not disclose or suggest the above recited features including control objects stored in one of a plurality of AVC ledgers as now recited in claim 10. In making the rejection at page 6 of the Office Action, the Office alleges that Zawadzki discloses at col. 40, lines 21-26, and col. 41, lines 51-58 the claimed determining step. However, the citation to column 40, lines 20-26 of Zawadzki refers to a user entering dollar amounts when a project is created, and placing the dollar amounts in the budget tree. Meanwhile, the citation to column 41, lines 51-58 of Zawadzki refers to a roll-up process where allocations to sub-projects entered by a user

aggregate up to the parent project, and if the aggregated allocations to the sub-projects are over the amount budgeted for the parent project, the step cannot be completed. None of the cited text refers steps involving a revenue budget ledger database, a revenue budget postings ledger database, or an AVC ledger as now recited in claim 10.

Additionally, the Office asserts that Tanaka discloses a method to monitor and process revenue in its Abstract, at paragraph [0034] and in FIG. 7. However, Tanaka's Abstract does not mention the word "revenue." Tanaka's paragraph [0034], which describes Tanaka's FIG. 7, states:

In FIG. 7, a budget report 700 has been generated using the project specific work records stored in the time domain database which have been filtered using "project (X)" and date range increment (T0>T8) filters. Additional information on project **revenue**/budget and employee pay rates has also been factored in **using known financial analysis equations**. Thus, the budget report 700 shows at a glance whether or not a project is within or beyond the **revenue received** and/or budget allowed. (Emphasis added.)

As can be seen, Tanaka merely describes revenue at a high level, and only makes a general assertion of how the disclosed system arrives at the determination of revenue. Like Zawadzki, Tanaka does not disclose or suggest a revenue budget ledger database, a revenue budget postings ledger database, or an AVC ledger. In addition, as best understood, Tanaka does not disclose or suggest that a revenue amount would not be accepted if it violated a limit. Tanaka merely presents a revenue value compared to expectations, and does not test whether the revenue exceeds a revenue limit as recited in claim 10. Applicants respectfully submit that Tanaka does not, and cannot, overcome the deficiencies of Zawadzki by simply presenting an amount of revenue received as suggested by the Office.

As the Examiner is aware, to reject a claim as obvious under 35 U.S.C. § 103, the prior art must disclose or suggest each claim feature. *See Northern Telecom, Inc. v. Datapoint Corp.*, 908 F.2d 931, 934 (Fed. Cir. 1990), *cert. denied*, 111 S. Ct. 296 (1990); *In re Bond*, 910 F.2d 831, 834 (Fed. Cir. 1990). Applicants respectfully submit that neither Zawadzki nor Tanaka, either individually or in combination, disclose or suggest all of the features recited in Applicant's independent claim 10 as explained above.

Furthermore, as discussed in *KSR Int'l Co. v. Teleflex, et al.*, No. 04-1350, (U.S. Apr. 30, 2007), it remains necessary for the Examiner to identify the reason why a person of ordinary skill in the art would have been prompted to combine alleged prior art elements in the manner as claimed by the Applicant. Obviousness cannot be sustained on mere conclusory statements.

Zawadzki is directed to managing the expense of completing a project as described in the Background section of Zawadzki's patent. In making the rejection, the Office merely states that it would have been obvious to modify Zawadzki by incorporating the enterprise management tool of Tanaka because "it is well-known that the business transactions of many entities incorporate both cash inflows and cash outflows that must be effectively managed to the benefit of said entity."

However, the alleged motivation to modify Zawadzki does not take into account that in the claimed embodiments, revenue is being limited. Tanaka, the only applied prior art that refers to revenue, does not even consider limiting revenue. Therefore, Applicants submit that the Office must provide more than a statement that it is well-known for an entity to manage cash inflows and cash outflows. The Office has not made a prima facie case of obviousness.

In addition, at page 7 of the Office Action, the Office states, "the recitation of 'Availability Control' fails to impart patentable distinction to the claimed method over the prior art, and as such is not afforded patentable weight." Applicants respectfully submit that components of an Availability Control application and their interaction with an Enterprise Management application and system are described in the Background of Applicants' specification with enough specificity to distinguish from just any computer application performing unrelated tasks. Accordingly, this feature should be given patentable weight by the Office.

Furthermore, it is improper to simply ignore claimed features. As the Office is aware, when an invention is alleged to be obvious from a combination of references, the combination must disclose all of the elements of the invention. No claim limitation can be ignored in making a patentability analysis under § 102 or under § 103. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031 (Fed. Cir. 1994). Applicants request that all of the claimed features be given patentable weight.

For at least the above reasons, claim 10 is allowable. Claims 11-13 and 15 depend from claim 10, and are also allowable.

Claim 16 is directed to a computer-readable medium and recites substantially the same features as claim 10, and the foregoing remarks apply to it and its dependent claims as well. Accordingly, claims 16-19 and 21 are allowable.

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CONCLUSION

All outstanding rejections have been overcome. It is respectfully submitted that, in view of the foregoing amendments and remarks, the application is in clear condition for allowance. Issuance of a Notice of Allowance is earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

The Office is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

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